

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Biomedical Device Consultants &
Laboratories of Colorado, LLC,

Plaintiff,

v.

ViVitro Labs, Inc.

Defendant.

Case No. 2:23-cv-04291-HDV

**DECLARATION OF GREGORY
S. TAMKIN**

I, Gregory S. Tamkin, hereby declare and state as follows:

1. I am counsel of record for Plaintiff Biomedical Device Consultants & Laboratories of Colorado, LLC in this matter.

2. I submit this declaration in support of Plaintiff's Application for Expedited Hearing Date for Pending Motion for Preliminary Injunction. I have personal knowledge of the facts herein, and if called as a witness, I could and would testify competently thereto.

3. On Friday, June 30, I informed Defendant's counsel of BDC's intention to file an application for an expedited hearing on its pending motion for preliminary injunction. Attached as **Exhibit A** is a true and correct copy of the email chain between counsel for BDC and counsel for Defendant.

4. On Monday morning, July 3, I attended a videoconference with my co-counsel Shannon Bjorklund, and with Defendant's counsel Warren Thomas and John Harbin. During that call, I explained the basis for BDC's request for a hearing date in early August and asked whether Defendant would oppose the request. Counsel for Defendant informed me that they would consider this request and respond by writing with their answer.

5. BDC also plans to raise this issue in the Joint Case Management Statement to be filed next week, but given the urgency of the issue and the heavy caseload assigned to Your Honor, we believed a separate application was prudent and necessary.

6. The afternoon of July 3, counsel for Defendant responded by email and stated that they would oppose BDC's request. *See* Exhibit A.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 5, 2023 in Denver, Colorado.

By: /s/ *Gregory S. Tamkin*

Gregory S. Tamkin